

REMARKS

The pending claims are 1-16.

The foregoing listing of claims contains no amendments. Thus, no new matter has been added.

Per the following election, the claims under consideration are 4-6 and 11-16.

The Restriction Requirement

The outstanding Office Action contains a requirement for restriction between Groups I and II as set forth below:

- I. Claims 1-3 and 7-10, drawn to methods of inducing paraptotic cell death and the application of those methods to treatment of conditions associated with excessive cell accumulation, classification dependent upon structure of the administered compound.
- II. Claims 4-6 and 11-16, drawn to methods of inhibiting paraptotic cell death and the application of those methods to the treatment of conditions associated with excessive cell death, classification dependent upon structure of administered compound.

Applicants hereby elected group II, claims 4-6 and 11-16, without traverse.

In addition to the foregoing restriction requirement, the Office Action also contained a requirement to elect a single disclosed species for further examination. In particular, Applicants were advised that if they chose Group II, they should choose a single disclosed species selected from among Alg-2-interacting protein 1 (AIP-1), Jun N-terminal kinase 1 (JNK1) neutralizing agent, Jun N-terminal kinase 2 (JNK2) neutralizing agent, TNF Receptor-Associated Factor 2 (FRAF2) neutralizing agent, ortho-phenanthroline and the JNK inhibitor SP 600125.

Applicants hereby elect the species of SP 600125, with the understanding, and with the proviso, that should claims 4-6 and 11-16 be found allowable to the extent that they encompass the elected species, they will be further examined to the extent that they embrace the remaining recited species, up to and including the full scope of the claims if all claimed species should be found free of the prior art. See M.P.E.P. § 803.02 (stating that [f]ollowing election, the Markush-type claim will be examined fully with respect to the elected species and further to the extent necessary to determine patentability).

Applicants submit that all of claims 4-6 and 11-16 are readable on the elected species of SP 600125.

CONCLUSION

Applicants submit that the foregoing is a full and *bona fide* response to the outstanding Office Action. Examination on the merits thus respectfully requested.

Serial No.: 10/079,929

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Matthew V. Grumbling", is written over the printed name.

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